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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ramon MOLINA-Pena,** Defendant.	Magistrate Case No. '08 MJ 1812 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **June 10, 2008**, within the Southern District of California, defendant **Ramon MOLINA-Pena**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Diana SILVA-Romero**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11TH** DAY OF **JUNE, 2008.**

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

The complainant states that **Diana SILVA-Molina** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 10, 2008, at approximately 0425 hours, **Ramon MOLINA-Pena (Defendant),** was waiting to make application for admission into the United States from Mexico via the vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a red Ford Explorer. During pre-primary inspection, a U.S. Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) responded to the vehicle after his Narcotics/Human Detection Dog alerted to the vehicle Defendant was driving. The CBP Officer noticed what appeared to be two non-factory compartments affixed between the frame rails of the vehicle. Another CBP officer approached Defendant who gave two negative customs declarations and claimed ownership of the vehicle. Defendant and the vehicle were escorted to secondary for further inspection.

In secondary, CBP Enforcement Officers inspected the vehicle and discovered a compartment composed of welded sheet metal affixed between the vehicle's undercarriage steel rail frame. An alternate fuel source was located within the front engine compartment within a 5 gallon steel barrel. CBP Enforcement Officer removed bolts from the rear seats in order to gain access to the non-factory undercarriage compartment. An access panel was found inside the vehicles interior floor board. Upon opening the access panel, CBP Enforcement Officers discovered and removed one male and one female concealed within the compartment. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Diana SILVA-Molina (Material Witness).**

During a videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated she was going to pay an unknown amount to be smuggled into the United States. Material Witness stated she was en route to San Diego, California to seek employment.